

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SERVER TECHNOLOGY, INC.,

Plaintiff and Counterdefendant,

v.

AMERICAN POWER CONVERSION  
CORPORATION,

Defendant and Counterclaimant.

) CASE NO. 3:06-cv-00698-LRH-(VPC)

)  
) **APC'S MOTION FOR ONE-WEEK**  
) **EXTENSION OF TIME TO FILE**  
) **RESPONSIVE BRIEFS; ORDER**

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1 Defendant and counterclaimant American Power Conversion Corp. ("APC"), by its  
2 attorneys, respectfully requests this Court to grant it a one-week extension of time to file (i)  
3 APC's Opposition To Server Technology, Inc.'s Opening Claim Construction Brief; (ii) APC's  
4 Response To Server Technology, Inc.'s Motion For Partial Summary Judgment Of Non-  
5 Infringement Of Claim 10 Of APC's '442 Patent. In support of this motion, APC states as  
6 follows:

7 1. On February 6, 2008, Server Technology, Inc. ("STI") filed a Motion For Partial  
8 Summary Judgment For Non-Infringement Of Claim 10 Of APC's '442 Patent. On March 12,  
9 2008, this Court ordered that summary judgment briefing would be stayed until briefing on claim  
10 construction issues.

11 2. On May 19, 2008, the parties filed their opening claim construction briefs. STI  
12 filed a 65-page Opening Claim Construction Brief. That brief seeks construction of at least 24  
13 terms contained in three different STI patents, including U.S. Patent No. 7,099,934, U.S. Patent  
14 No. 7,043,543, and U.S. Patent No. 7,171,461. As detailed in STI's request for leave to file an  
15 oversized brief, STI's Opening Claim Construction Brief raises a number of complex legal and  
16 technical issues regarding its patents and the underlying technology.

17 3. On May 22, 2008, APC filed an objection to STI's oversized brief. During the  
18 pendency of that objection, APC did not know whether it would be required to respond to STI's  
19 65-page brief or a shorter brief ordered by the Court. On June 17, 2008, the Court granted STI's  
20 request to file an oversized brief.

21 5. On July 1, 2008, the Court established a briefing schedule for both the claim  
22 construction briefs and STI's summary judgment motion. The Court ordered that the briefing  
23 would proceed simultaneously and that APC's responses to both STI's Opening Claim  
24 Construction Brief and STI's Motion For Partial Summary Judgment would be due on July 18,  
25 2008.

1           6.       In the days since the Court established the briefing schedule, APC has worked  
2 diligently to investigate, research and brief the legal and technical issues raised in both STI's 65-  
3 page claim construction brief (involving three STI patents) and STI's motion for partial summary  
4 judgment (involving APC's '442 patent).

5           7.       Due to the large number of issues raised by STI in its two briefs, APC requires a  
6 short one-week extension of time to complete its responsive briefing.

7           8.       On July 16, 2008, APC's counsel contacted STI's counsel by telephone and  
8 requested agreement to the one-week extension. APC previously agreed to several requests by  
9 STI for extensions of various deadlines, including briefing deadlines. Nevertheless, APC and  
10 STI were not able to reach agreement on the instant limited request by APC for a one-week  
11 extension to file responses to STI's Opening Claim Construction Brief and STI's Motion for  
12 Summary Judgment.

13          10.       Accordingly, APC respectfully requests that the Court grant it a one-week  
14 extension, until July 25, 2008, to respond to STI's two briefs.

15          11.       Correspondingly, APC requests that the Court extend by one week the current due  
16 date for both parties' reply briefs, now set for August 1, until August 8.

17          13.       This request is not interposed for any improper purpose, and no party will be  
18 prejudiced by the further one week adjustment in the briefing schedule.

19          WHEREFORE, American Power Conversion Corporation respectfully requests this  
20 Court to enter an Order revising the briefing schedule as follows:

21               (1)       APC's responses to (a) STI's Opening Claim Construction brief; and (b)  
22 STI's Motion For Partial Summary Judgment shall be due on July 25, 2008;

23               (2)       All parties' reply briefing in connection with the claim construction issues  
24 and STI's Motion For Partial Summary Judgment shall be due on August 8, 2008;

25               The electronic filer attests that the individuals whose names appear below have  
26 signed this document.

1 Dated: July 16, 2008

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**ORDER**

Upon review of the joint submission of the parties, the Court finds that the proposed scheduling order is appropriate. Therefore, IT IS SO ORDERED that the revised joint scheduling order as set forth below:

(1) APC's responses to (a) STI's Opening Claim Construction brief; and (b) STI's Motion For Partial Summary Judgment shall be due on July 25, 2008;

(2) All parties' reply briefing in connection with the claim construction issues and STI's Motion For Partial Summary Judgment shall be due on August 8, 2008;

(3) The date for the claim construction hearing shall remain unchanged and be held on August 29, 2008. NO FURTHER EXTENSIONS SHALL BE GRANTED.

IT IS SO ORDERED.

DATED this 16th day of July, 2008.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE